

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

FILED

JUL 13 2010

CLERK, U.S. DISTRICT COURT
NORFOLK VA

GARY D. BROWN,

Plaintiff,

v.

ACTION NO. 2:09cv243

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405 (g) seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") denying plaintiff's claim for a period of disability and disability insurance benefits ("DIB"), pursuant to sections 416(i) and 423 of the Social of the Social Security Act. 42 U.S.C.A. § 405(g)(2010).

On August 28, 2009, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B) and (C), and Rule 72(b) of the Federal Rules of Civil Procedure for report and recommendation. Report of the magistrate judge was filed on June 21, 2010, recommending that plaintiff's motion for summary judgment be denied; that defendant's motion for summary judgment be granted; that the final decision of the Commissioner be affirmed; and, that judgment be entered in favor of the defendant. By copy of the report, each party was advised of the right to file written objections to the findings and recommen-

dations made by the magistrate judge. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve the findings and recommendations set forth in the report of the United States Magistrate Judge filed June 21, 2010. Accordingly, plaintiff's motion for summary judgment is DENIED; defendant's motion for summary judgment is GRANTED; the final decision of the Commissioner is AFFIRMED; and, judgment is ENTERED in favor of the defendant.

Plaintiff may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment.

The Clerk shall forward a copy of this Final Order to counsel for plaintiff and defendant.

/s/
Rebecca Beach Smith
United States District Judge

RBS

REBECCA BEACH SMITH
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

July 13 , 2010